

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

United States of America,

Plaintiff,

Case No. 19-cr-20080

v.

Judith E. Levy

United States District Judge

Waymon Damon Costner,

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART MOTION  
FOR COMPASSIONATE RELEASE [23]**

Before the Court is Defendant Waymon Damon Costner's motion for compassionate release.<sup>1</sup> (ECF No. 23.) The Government responded to Defendant's motion. (ECF No. 28.) The Court appointed counsel for Defendant, and Defendant's counsel filed a reply in support of Defendant's motion. (ECF No. 31.)

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<sup>1</sup> Mr. Costner mailed his handwritten motion on December 1, 2020, but due to delays with the United States Post Office, it was not docketed until February 17, 2021. (ECF No. 23, PageID.81.)

On March 17, 2021, a hearing was held and oral argument was heard. For the reasons set forth on the record, Defendant's motion is granted in part and denied in part. The Court orders as follows:

- No later than 12:00pm on March 19, 2021, the Government must report to the Court whether and when it expects that Defendant will receive a COVID-19 vaccine.
- If the Government is unable or does not administer a COVID-19 dose to Defendant on or before Monday March 22, 2021 at 5:00pm, then Defendant will be released to home confinement. The terms and conditions of that confinement will be set forth in an amended Judgment.

IT IS SO ORDERED.

Dated: March 17, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 17, 2021.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager